IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

FIRST APPEAL NO.424 OF 1993.

The State of Maharashtra : Appellant.

versus

Shri Kisan K. Gavand : Respondent.

Mr.S.N.Gawade, AGP, for the appellant.

Mr.Sachin Punde h/f Rajiv Patil for respondent.

CORAM : D.G.DESHPANDE,J.

DATED : 9th February 2005.

ORAL ORDER

1. Heard the learned AGP for the State and the advocate for the respondent. This appeal is filed by the State challenging the grant of Rs.12/- per sq.mtr. as compensation to the land of the claimant which was admeasuring 4040 sq.mtrs. This amount was granted by the court below on the basis of report of the valuer Jeevan Kulkarni and also after taking into consideration the compensation granted by this Court at Rs.12/- per sq.mtr. as is evident from para 9 of the

judgment.

2. Counsel for the respondent relied upon the judgment of Division Bench of this Court reported in **1993(3) Bom.C.R. 54 (Nama Padu Hudar & ors. v. The State of Maharashtra)**, wherein for the land acquired from village Kamothe the Court has awarded Rs.20/- per sq.mtr. The counsel for the respondent, therefore, contended that if the Division Bench of this Court in the aforesaid matter has awarded Rs.20/- per sq.mtr and if the land in the present case is also from village Kamothe, there is no further scope for reduction.

3. I find considerable force in this submission and, therefore, there is no scope for reduction of the amount of compensation awarded. Hence the order.

:ORDER:

Appeal is dismissed.

No order as to costs.

[D.G.DESHPANDE]

09/02/2005 JUDGE.